

REMARKS/ARGUMENTS

1. Telephonic Examiner Interview

Applicants acknowledge with appreciation the telephonic interview with the Examiner on August 25, 2006 during which the rejection under 35 USC 112, First Paragraph was discussed.

2. Rejection Under 35 USC 112, First Paragraph

The Examiner rejects claims 41, 60, 79, 101 and 104 under 35 U.S.C. 112, First Paragraph on the grounds that Applicants' prior amendments of these claims to include -C(O)H or -C(O)-C₁₋₃ alkyl under the definitions of R₁, R₂, R₃ and R₄ are not supported by the Specification.

During a telephonic interview with the Examiner on August 25, 2006, Applicants drew the Examiner's attention to the following parts of the Application as filed:

Paragraph [0094] at page 20 of Specification

Also according to this embodiment, R₂ may optionally comprise a relative small moiety selected from the group consisting of hydrogen and a moiety that has a maximum chain length of non-hydrogen atoms of six or less, optionally four or less. The moiety may also optionally be hydrophobic in nature, such as a C₁₋₄ alkyl, C₂₋₄ aminoalkyl or C₂₋₄ oxaalkyl, -C(O)H, -C(O)-C₁₋₃ alkyl, optionally further substituted.

Paragraph [0096] at page 20 of Specification

The first, larger of such R₃ or R₄ moieties may comprise a moiety selected from the group consisting of a substituted straight chained C₁₋₁₂ alkyl, C₂₋₁₂ aminoalkyl and C₂₋₁₂ oxaalkyl where at least one of the substituents is selected from the group consisting of substituted and unsubstituted straight chained C₁₋₁₂ alkyls, C₂₋₁₂ oxaalkyls or C₂₋₁₂ aminoalkyls and substituted and unsubstituted 3, 4, 5, 6, 7 or 8 membered rings. The second, smaller of such R₃ or R₄ moieties may optionally be hydrophobic in nature, such as a C₁₋₄ alkyl, C₂₋₄ aminoalkyl or C₂₋₄ oxaalkyl, -C(O)H, -C(O)-C₁₋₃ alkyl, optionally further substituted.

Original Claim 11

A compound according to claim 1 wherein R₂ comprise a moiety selected from the group consisting of a C₁₋₄ alkyl, C₂₋₄ aminoalkyl or C₂₋₄ oxaalkyl, -C(O)H, and -C(O)-C₁₋₃ alkyl.

Original Claim 13

A compound according to claim 1 wherein R₃ or R₄ comprises a moiety selected from the group consisting of a substituted straight chained C₁₋₁₂ alkyl, C₂₋₁₂ aminoalkyl and C₂₋₁₂ oxaalkyl where at least one of the substituents is selected from the group consisting of substituted and unsubstituted straight chained C₁₋₁₂ alkyls, C₂₋₁₂ oxaalkyls or C₂₋₁₂ aminoalkyls and substituted and unsubstituted 3, 4, 5, 6, 7 or 8 membered rings and the other comprises a member of the group consisting of C₁₋₄ alkyl, C₂₋₄ aminoalkyl or C₂₋₄ oxaalkyl, -C(O)H, and -C(O)-C₁₋₃ alkyl.

As can be clearly seen from these portions of the application as originally filed, Applicants do provide clear written support for R₂, R₃ and R₄ being -C(O)H or -C(O)-C₁₋₃.

Applicants therefore amend rejected claims 41, 60, 79 and 104 to delete the recitation that R₁ may be -C(O)H or -C(O)-C₁₋₃ alkyl, add the recitation that "R₂ may also be -C(O)H or -C(O)-C₁₋₃ alkyl", and leave unamended the recitation that R₃ and R₄ may also be -C(O)H or -C(O)-C₁₋₃ alkyl. Applicants believe that Claim 101 needs no further amendment.

Applicants submit that the present amendments to claims 41, 60, 79 and 104 therefore overcome the rejection raised by the Examiner under 35 USC 112, First Paragraph and request that the rejection be withdrawn so that the instant application can proceed to allowance.

CONCLUSION

Applicants earnestly believe that they are entitled to a letters patent, and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

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